

APR 11 2017

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Judge Conrad,

JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

315-17

My name is Naxia Heath Keller, and I am writing to ask you about a few legal issues. I am an indigent inmate therefore I have no way of affording the ability to hire a lawyer. So I wanted to ask a few questions, I have wrote my former lawyer Fred Heblich, but he will not answer my questions. The first issue is concerning my restitution order where not long ago I tried to file a letter to try to get this order overturned. In 2012 I was ordered to pay restitution for the funeral of a person in whom's death I am not charged with. The death of the individual was done by my co-defendant and I AM not even charged as an aider & abettor in the death of this individual. Therefore the restitution order was illegal and according to Ward v. Chavez out of the ninth circuit it is illegal for me to have to pay restitution for this. In more simple terms your honor this is like asking me to pay for a DUI ticket when I am a passenger in a car and I am not drunk. Or if I am a passenger in a car and the driver is speeding I am not liable for a speeding ticket! So my restitution order was illegal, the government dropped all charges against me concerning this case, so how should I be held liable for restitution in fact the reason the government dropped the case against me is because I tried to prevent the death of the victim. Now I am charged as an aider & abettor to the death of others but I have not been charged with a restitution order for them. So I ask you to please explain to me how this can be so? It was illegal to have me forced to sign this order and for it to be enforced by the court. My rights are being violated, and nobody

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cares. The next issue is with my case itself over the last 4 1/2 years I have learned a lot about my case and this is what the law says, not me but the law says this. First lets look at the law concerning statutes. Federal laws are creatures of statutes, and in order for a person to be indicted on these statutes a person must meet the elements of the statute. In fact the law even has a test to determine if a person can be indicted for an offense. The test is this if a person can be indicted as a principal to an offense then he can be indicted as an aider & abettor. Now in order to be indicted a person has to meet the elements of each statute. Now I am charged with 18 U.S.C 2261 which is interstate domestic violence, and the elements of this statute say this. A person injures, kills a spouse, former spouse intimate or dating partner. Now my wife who is my co-defendant meets the elements of this statute. Now the law says in order for me to be charged as an aider & abettor I have to meet those same elements of the statute as my co-defendant. So that means I have to be a spouse or former spouse to the victim, if not I cannot be indicted for this offense. This is what the law says, not me, its not my opinion, it is the law and I have stated the case law in my appeals to which you denied. I do not understand this, because the courts are supposed to protect my rights and in this case it did not. Now in your opinions denying my appeal you said I am bound by my sworn statements made during my plea colloquy. Here is the problem with that though, if I am right on the law says I'm right that means I was illegally indicted for a crime that I cannot be indicted for! It also means that I placed myself to a crime that violated my constitutional rights because 18 U.S.C 2261 is vague when applied to me, and I do not meet the constitutional elements of the statute. An example of this would be if there were a law that said in its elements that you had to be of a certain race or religion

or gender than I would have to meet those requirements. If the elements said I had to be a black man in order to be charged with this crime then I could not be indicted for that crime.

In our history of this great country we have had laws such as this, so a white man could not be indicted for crimes that only applied to black men. This is the same principal the elements of the statute say only a spouse, former spouse, intimate or dating partner can be indicted under 2261! So I cannot be charged as a principal or aider & abettor to this crime! In fact if we go by what you say, and I am bound by my sworn statements then the government is bound by their statement of facts that they made in court. In their statement of facts I was called either a principal and or aider & abettor! My attorney objected to this and you dismissed it as a stylings of words difference. So the government said I was either a principal or aider & abettor, and the law says I cannot be indicted as a principal, and it says I cannot be indicted as an aider & abettor! This is the law saying this, not me! So my lawyer was ineffective for allowing me to plead guilty to this! My plea colloquy was illegal, involuntary and it was unknowing because it allowed me to plead guilty to a charge that did not apply to me and it is constitutionally vague when applied to me! So why did this happen to me? Why was my appeal denied by you? Nobody can answer those questions and nobody will help me. Here is some more evidence to prove my arguments. In the 5th circuit out of Texas a man by the name of Blackthorne asked a friend of his named Nancy Rocha if he knew of anyone who could kill his wife. Rocha got 2 men to drive from Texas to Florida to kill a lady named

Shelia Bellush, now Blackhorse was charged with 2261, but the other 3 men were not charged federally but by the state of Florida. The reason they were given state and not federal is because they did not meet the elements of 2261 and that is the only federal charge they could be tried under in this case! In fact the 5th and 11th circuit court of appeals said in its opinion in Heckman #8 "We assume without deciding that Bellush qualifies as a spouse within the meaning of the statute even though Blackhorse has not raised any issues in his appeals." What that means is instead of Blackhorse attacking his conviction through the interstate commerce laws he should have went through the elements of the statute. They basically agree with what I am arguing which proves my argument. Here is another way to look at it, somebody is wrong! Either the 5th and 11th circuit are wrong or the 4th is wrong! If they could charge me as an aider & abettor to 2261 then the 5th circuit could have charged Blackhorse defendants federally also, but they didn't because they couldn't because they didn't meet the elements of the statute. If the 5th circuit are right, then they the 4th circuit could not charge me under this statute. That means I was right in my appeals and the law says that I am. So my question is why was I denied a fair trial! I've wrote you numerous times, and I've wrote Fred, but nobody will answer my questions. I once asked you to ask Mr. Heblich if he ever threatened to quit as my lawyer if I went to trial! You should ask him and ask his investigator Mr. Perry! I should have been granted an evidentiary hearing on this! Thank you for your time in these issues!

Sincerely,

Nakia Keller 14655-84

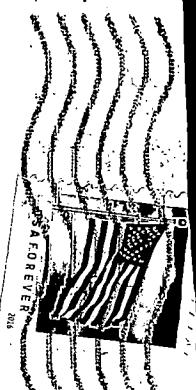
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